

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Joachim HASCH et al.

Group Art Unit: 1794

Appln. No. : 10/521,151

Examiner: Thomas, A.

Filed : January 13, 2005

Confirmation No.: 9119

For : BUILDING BOARD

NOTICE OF APPEAL

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Window, Mail Stop **AF**
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the Final Office Action dated April 7, 2009, in which claims 1, 2, 4, 7-10, 19, 22, and 23 are finally rejected.

Payment of the notice of appeal fee set forth in 37 C.F.R. §41.20(b)(1) was previously submitted with a first Notice of Appeal on March 24, 2008. Prosecution was re-opened with an Office Action dated August 29, 2008, prior to a decision by the Board of Patent Appeal and Interferences.

The previously paid notice of appeal fee should be applied to this Notice of Appeal since a decision has not yet been rendered by the Board of Patent Appeal and Interferences (see MPEP §§ 1204.01 and 1207.04). Applicants only need to pay the difference between the current fee and the amount previously paid. Accordingly, the Commissioner is authorized to charge the

difference between the current fee for filing a notice of appeal and the amount previously paid in this application to Deposit Account No. 19-0089.

Please charge any additional fees necessary for consideration of the papers filed herein and refund excess payments to Deposit Account No. 19-0089.

Respectfully submitted,
Joachim HASCH et al.

A handwritten signature in black ink, appearing to read 'Andrew M. Calderon', written over a horizontal line.

Andrew M. Calderon
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May 28, 2009
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